

# **2007 DRAFTING REQUEST**

## **Bill**

Received: **10/12/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **Tom**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Berceau@legis.wisconsin.gov**

Carbon copy (CC:) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Adjustment of prison sentence for a misdemeanor

## **Instructions:**

redraft 2005 AB 1134

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 10/30/2006	jdyer 10/31/2006					S&L
/1			rschluet 10/31/2006		lparisi 10/31/2006	sbasford 11/01/2006	

FE Sent For: @ intro.

<END>

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/?	rryan	1/10/06 31 jld					
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FE Sent For:

<END>



State of Wisconsin  
2005 - 2006 LEGISLATURE

In 10/30/06

OS19  
LRB-4098/2

RLR:ldg

Stays

2005 ASSEMBLY BILL 1134

RMNR

LPS  
PWF  
please

March 21, 2006 - Introduced by Representatives BERCEAU, ALBERS and KREUSER, cosponsored by Senators MILLER and RISSER. Referred to Committee on Criminal Justice and Homeland Security.

Regen

- 1 AN ACT *to amend* 973.195 (1g) of the statutes; **relating to:** adjusting prison  
2 sentences for misdemeanors. ✓

*Under current law,*

*Analysis by the Legislative Reference Bureau*

*increased*  
A person sentenced to a term of confinement for a misdemeanor (a crime for which the maximum term of confinement is one year or less) generally serves the term of confinement in a county jail or house of correction. However, a person serving a sentence for a felony in addition to a misdemeanor generally serves the sentence for the misdemeanor in prison, regardless of whether the sentences run concurrently or consecutively. Also, a person serving a sentence for a misdemeanor that has been lengthened to more than one year due to application of a penalty enhancement statute (for example, for a repeat offender) serves the sentence in prison. All sentences to prison consist of a term of confinement in prison followed by a term of extended supervision. *felony*

Current law also provides a process by which a person serving a sentence for a Class C to a Class I felony may petition the court for a sentence adjustment under which the remainder of the term of confinement portion of the sentence is converted to time on extended supervision. A person serving a sentence for a Class C to a Class E felony may petition for adjustment after serving 85 percent of the term of confinement and a person serving a Class F to a Class I felony may petition after serving 75 percent of the term of confinement. The sentence adjustment process does not apply to misdemeanor sentences. *felony*

This bill provides that a person serving a term of confinement in prison for a misdemeanor may petition for sentence adjustment after serving 75 percent of the term of confinement.

# ASSEMBLY BILL 1134

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 973.195 (1g) of the statutes is amended to read:

973.195 (1g) DEFINITION. In this section, “applicable percentage” means 85% for a Class C to E felony and 75% for a Class F to I felony or for a misdemeanor.

## SECTION 2. Initial applicability.

(1) This act first applies to persons serving a sentence on the effective date of this subsection. ✓

(END)

**Parisi, Lori**

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**From:** Powell, Thomas  
**Sent:** Tuesday, October 31, 2006 3:40 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0519/1 Topic: Adjustment of prison sentence for a misdemeanor

Please Jacket LRB 07-0519/1 for the ASSEMBLY.